

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Stephen Kane, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Jill Rivera, Deputy Clerk.

F054990 People v. Vang

Cause called and argued by Scott Concklin, Esq., counsel for appellant and by Lewis A. Martinez, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

F054626 Mendez v. Mendez

Cause called and by Barry Lee McCown, Esq., not present, counsel for appellant and by Larry L. Fields, Esq., counsel for respondent.

Cause ordered submitted.

F056339 Fidelity National Title Insurance Company v. Schroeder et al.

Cause called and argued by Justin T. Campagne, Esq., counsel for appellant and by Warren P. Felger, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Tuesday, October 20, 2009 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Stephen Kane, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Shandra Santana, Deputy Clerk.

F055775 Robison v. Robison

Cause called and argued by James F. Tritt, Esq., counsel for appellant and by Edward J. Quirk, Jr., Esq., counsel for respondent.

Cause ordered submitted.

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F056823 **CA Groundwater Association v. Semitropic Water Storage District;
Association of CA Water Agencies**

Cause called and argued by Keith T. Uland, Esq., counsel for appellant and by Scott Kendall Kuney, Esq., counsel for respondent and by Steven P. Saxton, Esq., counsel for amicus.

Cause ordered submitted.

At this point Levy, J. leaves the bench and is replaced by Dawson, J.

F055916 **People v. Story**

Cause called and argued by Roger T. Nuttall, Esq., counsel for appellant and by Kathleen A. McKenna, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, October 29, 2009 at 9:30 A.M.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F058665 County Of Stanislaus (Dept. Of Child Support) v. King;Turner

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8.140, California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F057949 People v. McKay

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F054903 People v. Vang

The matter is remanded to correct the abstract of judgment to accurately reflect 572 days of credit for time served. The trial court shall forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Dawson, J.

We concur: Cornell, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056278 People v. Tanksley

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F056728 People v. Tanksley

The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056848 People v. Patrick

The judgment is affirmed. Kane, J.

We concur: Ardaiz, P.J. ; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F054904 People v. Her

The matter is remanded to correct the abstract of judgment to accurately reflect the enhancements were imposed pursuant to section 12022.53, subdivision (c) instead of section 190.2, subdivision (a)(17). The trial court shall forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Dawson, J.

We concur: Cornell, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F053843 White et al. v. Cridlebaugh et al.

The judgment filed September 10, 2007, is modified by inserting the following paragraph immediately before the last paragraph of the judgment: "On the seventh cause of action, judgment is granted in favor of plaintiffs and against defendant JC Master Builders, Inc., in the amount of \$84,621.45, plus interest from and after July 1, 2006. Defendant JC Master Builders, Inc., is liable for plaintiffs' court costs." As modified, the judgment is affirmed. The Superior Court is directed to vacate its order granting in part and denying in part JC Master Builders, Inc.'s motion for judgment notwithstanding the verdict and enter a new order denying that motion. JC Master Builders, Inc., shall be liable for the Whites' costs on appeal. Dawson, J.

We concur: Levy, Acting P.J.; Cornell, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

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- F056926** **In re A.M.**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F056564** **Evans v. Superior Court of California, County of Merced, et al.**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.
- F056564** **Evans v. Superior Court of California, County of Merced, et al.**
The order declaring appellant to be a vexatious litigant is affirmed. Respondents are awarded their costs on appeal. Gomes, J.
We concur: Cornell, Acting P.J.; Dawson, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F056817** **People v. Marquez**
The judgment is affirmed. Dawson, J.
We concur: Cornell, Acting P.J.; Hill, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F056485** **Sokolsky v. Bresler, et al.**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

IN THE
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IN AND FOR THE
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F056485 Sokolsky v. Bresler, et al.

The judgment is affirmed. Respondents are entitled to their costs on appeal. Gomes, J.

We concur: Cornell, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051812 People v. Stone

The court is directed to correct abstract of judgment form CR-292 to reflect the following: to properly designate counts 3, 4, and 5, each, as "attempted to dissuade a witness"; to accurately reflect that the 15 years to life gang enhancement was imposed pursuant to section 186.22, subdivision (b)(1) and (b)(5); to accurately reflect that count 1 carries with it a 15 years to life sentence and that counts 3, 4, and 5 each carries with it a seven years to life sentence; and to accurately reflect that a 10-year determinate term is imposed pursuant to section 12022.53, subdivision (b) and that the enhancement imposed pursuant to section 12022.5 is stricken. The court is directed to forward a copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Dawson, J.

We concur: Gomes, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]